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GENERAL COUNSEL

**VIA E-FILING AND HAND DELIVERY**

October 25, 2006

Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
**South Carolina Public Service Commission**  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210

Re: Petition of the Office of Regulatory Staff to Revoke the Certificate of Public Convenience and Necessity of Pickney S. Warren d/b/a Warren's Pick-Up and Delivery Service  
**PSC Docket No.: 1986-438-T**

Enclosed for filing please find the original and one (1) copy of the Office of Regulatory Staff's Petition For Rule To Show Cause.

Please note that the attached documents are exact duplicates, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.

Please date stamp the one extra copy for our office and return it to me via the self addressed envelope included.

Please let me know if you have any questions.

Sincerely,

  
Jeffrey M. Nelson

JMN/pjm  
Enclosures

cc: Pickney S. Warren

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 86-438-T**

IN RE: Petition of the Office of Regulatory	)	
Staff to Revoke the Certificate of	)	PETITION FOR RULE TO
Public Convenience and Necessity of	)	SHOW CAUSE
Pickney S. Warren d/b/a Warren's	)	
Pick-Up and Delivery Service.	)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp.2005); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2005 S.C. Acts 175.

2. That Pickney S. Warren d/b/a Warren's Pick-Up and Delivery Service (herein "Warren") was certificated (No. 3036) by the Commission in Order No. 86-1158 to operate as a "motor vehicle carrier" as defined in S.C. Code Ann. §58-23-10(4) (Supp.2005) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That Warren is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp.2005); further, that Warren has submitted himself to the jurisdiction of the Commission by holding a Household Goods Mover certificate of public convenience and necessity as indicated in Attachment A. See Attachment A, Certificate of Public Convenience and

Necessity ("CP&N") issued by the Commission to Warren on January 14, 1987 in accordance with Commission Order No. 86-1158.

4. That Warren, upon receiving its Certificate of CP&N, was found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found Warren to be "familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina" and that Warren "agree(d) to operate in compliance with these statutes and regulations" [26 S.C. Code Regs 103-133(4)(a) (Supp. 2005)]; further, that Warren was "aware of the Commission's insurance requirements and the costs associated therewith" [26 S.C. Code Regs 103-133(4)(b) (Supp. 2005)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance "must be kept in full force and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. §58-23-910 (Supp.2005).

6. That Warren's Certificate of PC&N was suspended indefinitely on March 7, 1996 in commission Order No. 96-156 based on a request from Warren that the Commission waive the insurance requirement of Regulation 103-171 and his admitted failure to maintain insurance coverage as required by that regulation. See Attachment B, Order No. 96-156. No further action was ever taken to permanently revoke the Certificate of PC&N of Warren.

7. That this matter was left unattended for a period of Ten (10) years. On June 21, 2005 the ORS attempted to contact Warren to determine the status of the company in order to either reinstate or permanently revoke Warren's Certificate of PC&N which was suspended in 1996. See Attachment C, Certified Letter of George Parker.

8. That efforts to contact Warren at his last know address on file with the Commission have been unsuccessful and Warren has failed to respond or otherwise provide proof of insurance to the

ORS as required by S.C. Code Ann. §58-23-910 (Supp.2005) and 26 S.C. Code Regs 103-171 (Supp.2005). See Attachment D, Affidavit of Carole Chauvin.

9. That it is presumed by the ORS, based on the evidence contained in its files and a search by its officers and employees of all available public records, that Warren is no longer engaged in the household goods moving business.

10. That “either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.” 26 S.C. Code Regs. 103-175 (Supp. 2005); further, that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2005).

11. That pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2005):

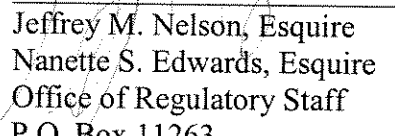
The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

12. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of

the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp.2005).

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate which the ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-175 and 103-240 (Supp.2005) and S.C. Code Ann. §58-23-320 (Supp.2005).
2. Following the formal administrative hearing, immediately rule to revoke the Certificate of Pinckney S. Warren d/b/a Warren’s Pick-Up and Delivery Service in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 and thereafter immediately enter a final written order canceling the Certificate of Public Convenience and Necessity of Pickney S. Warren;
3. For other appropriate action which the Commission may deem necessary.



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Jeffrey M. Nelson, Esquire  
Nanette S. Edwards, Esquire  
Office of Regulatory Staff  
P.O. Box 11263  
Columbia, South Carolina 29211

October 25, 2006  
Columbia, South Carolina

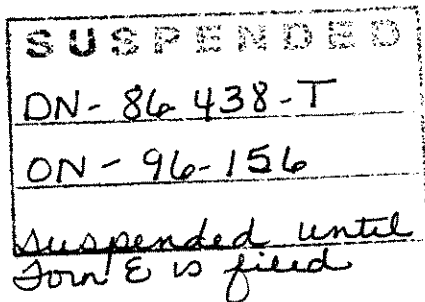
## ATTACHMENT A

Class E

STATE OF SOUTH CAROLINA  
THE PUBLIC SERVICE COMMISSION  
COLUMBIADocket No. ~~86-438-T~~.....Order No. ~~86-1156~~.....Certificate No. ~~3036~~.....**Certificate of Public Convenience and Necessity for the Operation of Motor Vehicle Carriers**Name Pinckney S. Warren dba Warren's Pick-Up and Delivery ServiceAddress Route 4, Box 41-A-2, Blythewood, SC 29016

is hereby authorized to furnish motor freight service over irregular routes as follows:

COMMODITIES IN GENERAL, FOR RETAIL AND WHOLESALE ESTABLISHMENTS,  
AND THEIR WAREHOUSES AND OUTLETS; AND HOUSEHOLD GOODS:  
Between points and places in Lexington and Richland Counties;  
and between points and places in these counties and points and  
places in South Carolina.



This Certificate is issued upon finding by the Commission that Public Convenience and necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 — 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto); and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder; and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted therein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

Dated at Columbia, South Carolina, this 14th day of January, A.D. 1987.  
EXECUTIVE DIRECTOR  
CHAIRMAN

BEFORE

THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 86-438-T - ORDER NO. 96-156

MARCH 7, 1996

IN RE: Application of Pinckney S. Warren D/B/A ) ORDER  
Warren's Pick-Up and Delivery Service ) DENYING  
for a Class E Certificate of Public ) WAIVER  
Convenience and Necessity. )

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the February 26, 1996 Request of Pinckney S. Warren D/B/A Warren's Pick-Up and Delivery Service (Warren) for a Waiver of Commission Regulation 103-171, which requires that a motor carrier file evidence of bodily injury and property damage insurance on a "Form E", which is termed a Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. Warren cites the change and mode of his operations to better serve the need of the public. Warren states that primary reason for his change is the "staggering cost of yearly insurance coverage." In the future, Warren states he will be doing interoffice moves, as well as loading and unloading of customers' rental trucks. Warren states his desire to keep his Certificate of Public Convenience and Necessity in force, which he has held for nearly 10 years, to use as needed in future endeavors. Warren states that as various opportunities arise, he would seek coverage through leasing agreements and/or private coverage.

Warren therefore asks the Commission to accept a different Certificate of Insurance in lieu of the required Form E filing. Warren states that the Commission would be provided with any notice of cancellation.

The Commission has examined this matter and believes that the request for Waiver of Regulation 103-171 must be denied, and Warren's authority suspended at this time. Unfortunately, the Commission has received no assurances from Warren's present insurer that it would be notified in terms of any cancellation of insurance coverage. This is a primary purpose behind a Form E. We do not feel that Warren should be able to operate his business without filing a Form E, as this provides substantial protection for the customers of Warren's business. We therefore hold that Warren's Certificate of Public Convenience and Necessity shall be hereby suspended until such time as Warren furnishes the proper Form E to the Commission as required by Regulation 103-171.

That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)



Form E is filed.

C. DUKES SCOTT  
EXECUTIVE DIRECTOR

P.O. Box 11263  
Columbia, S.C. 29211



Phone: (803) 737-0800  
Fax: (803) 737-0801

DAN F. ARNETT  
CHIEF OF STAFF

KATIE C. MORGAN  
DIRECTOR  
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

JUNE 21, 2005

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Pinckney S. Warren DBA Warren's  
Pick-Up and Delivery Service  
201 Blythebrook Road  
Blythewood, SC 29016

**RE:     *Public Service Commission Required Intrastate Insurance Filing***  
***SUSPENSION FROM PSC***

Dear Sir/Madam:

The Public Service Commission granted a suspension for Pinckney S. Warren DBA Warren's Pick-Up and Delivery Service on March 27, 1996. Since nine (9) years have passed since you requested the suspension, we are requesting an updated status of your intentions to either operate in the future or whether you wish to cancel your certificate. If you wish to begin operation, please send a current Form E showing proof of insurance or, if you no longer wish to continue business in the future, please send a letter asking that the Public Service Commission cancel your certificate.

The Form E proof of insurance or letter of cancellation can be mailed or faxed to:

State of South Carolina  
Office of Regulatory Staff  
Transportation Department  
PO Box 11263  
Columbia, SC 29211  
Fax number: 803/737-0801

If you fail to provide this information, you are prohibited from operating as a motor vehicle carrier until such time as the suspension is lifted.

Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803/737-0800.

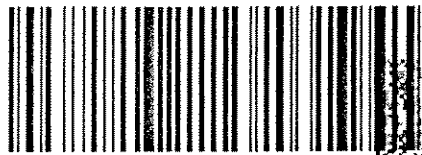
Sincerely,

L. George Parker  
Program Manager  
Transportation Department

ATTACHMENT C

th Carolina  
latory Staff

11



7005 0390 0002 7818 6

UNITED STATES POSTAGE  
02 1A  
0004367136  
MAILED FROM ZIP CODE 29201  
\$ 04.42<sup>0</sup>  
JUN 21 2005  
PITNEY BOWES

☐ A  
☒ C  
☐ S

☒ INSUFFICIENT ADDRESS  
☒ ATTEMPTED NOT KNOWN  
☒ NO SUCH NUMBER/ STREET  
☒ NOT DELIVERABLE AS ADDRESSED  
- UNABLE TO FORWARD

☐ OTHER

DBA Warren's  
**RTS**  
RETURN TO SENDER

OFFICE OF REGULATORY STAFF  
RECEIVED  
JUN 27 2005  
RECEIVED

29518+2223 04



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**CERTIFIED MAIL™ RECEIPT**  
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Postage	\$ .37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Sent To  
Street, Apt. No.  
or PO Box No.  
City, State, ZIP

Pinckney S. Warren DBA Warren's  
Pick-Up and Delivery Service  
201 Blythebrook Road  
Blythewood, SC 29016

PS Form 3800, June 2002

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

DOCKET NO. 86-438-T

October 25, 2006

IN RE: Petition of the Office of Regulatory    )  
      Staff to Revoke Certificates of         )  
      Public Convenience and                 )  
      Necessity of Certain Motor Carriers    )

AFFIDAVIT OF  
Carole Chauvin

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as Administrative Assistant for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Administrative Assistant for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On October 20, 2006, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company:

**Pinckney S. Warren**  
**dba Warren's Pick-Up and Delivery Service**  
**201 Blythebrook Rd.**  
**Blythewood SC 29016**

Attachment D

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin

Administrative Assistant, Transportation Department

**Office of Regulatory Staff**

P.O. Box 11263

Columbia, South Carolina 29211

Sworn and subscribed before me

this 25<sup>th</sup> day of October, 20 06

Susan Hauptmann

Notary Public for South Carolina

My Commission Expires: 08.17.07



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 86-438-T**

IN RE: Petition of the Office of Regulatory	)	
Staff to Revoke the Certificate of	)	CERTIFICATE OF SERVICE
Public Convenience and Necessity of	)	
Pickney S. Warren d/b/a Warren's	)	
Pick-Up and Delivery Service.	)	

This is to certify that I, Pamela J. McMullan, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Pinckney S. Warren d/b/a  
Warren's Pick-Up and Delivery Service  
201 Blythebrook Rd  
Blythewood, SC 29016

  
\_\_\_\_\_  
Pamela J. McMullan

October 25, 2006  
Columbia, South Carolina